



HON. SYLVIA O. HINDS-RADIX  
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October 20, 2022

**VIA ECF**

Hon. Paul A. Engelmayer  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *E.R., et al. v. N.Y.C. Dep't of Educ.*, 22-cv-04469 (PAE)(JLC)

Dear Judge Engelmayer:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.* ("IDEA"), as well as for this action.

We write to respectfully request an adjournment *sine die* of the initial pre-trial conference currently scheduled for October 24, 2022. Defendants previously requested an extension to file an Answer as well as Leave to File an Answer, both of which Your Honor granted. Plaintiffs previously consented to adjourn this conference sixty (60) days. Defendants respectfully direct the Court to previous matters in which Your Honor granted adjournments *sine die*, including *L.A.*, 21-cv-8521 (PAE). Defendant has informed Plaintiff that it shall provide a settlement offer to Plaintiffs on or before October 28, 2022 as its internal settlement assessment process is in very near completion. Additionally, the parties propose a joint status letter be due on or before November 21, 2022, informing the Court of settlement, or, proposing a briefing schedule. This office has settled all of the many dozens of similar IDEA fees-only cases brought by plaintiffs represented by the Dayan firm in recent years without the need to burden the court with any motion practice or conferences.

Therefore, Defendant respectfully requests that the initial pre-trial conference currently scheduled for October 24, 2022 be adjourned *sine die*, and that a joint status letter be due no later than November 21, 2022.

Thank you for considering these requests.

Respectfully submitted,  
Jason Imbiano

/s/ Jason Imbiano  
Special Assistant Corporation Counsel

cc: Adam Dayan (via ECF)

Granted. However, the Court expects counsel to work assiduously to settle this matter. If the joint status letter due November 21, 2022 does not report a settlement, the Court will set an initial conference for a date soon thereafter. SO ORDERED.



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PAUL A. ENGELMAYER  
United States District Judge  
October 21, 2022